

REMARKS

Pursuant to 37 C.F.R. §1.116, the Applicants have submitted the foregoing amendment to place the claims in condition for allowance or alternatively in better condition for appeal.

The Examiner has rejected claims 1-3 and 5-14 as anticipated by Hollister, U.S. Patent No. 5,326,361. The Applicants respectfully disagree with this rejection because Hollister does not disclose perpendicular projection of a trochlean trajectory and tilt of the edges of the internal cage, as described in the claims.

In the Response to Argument section of the Office Action, the Examiner indicated that it was not clear to her whether the line of contact was with the tibia during articulation or contact of the recessed femur and femoral component. The Examiner then stated that Hollister showed a non-zero tilt relative to line FE. To obtain clarification the Applicants' attorney contacted the Examiner by telephone.

The telephone conversation with the Examiner is summarized as follows. The Applicants' attorney and the Examiner discussed Hollister's tilting of the femoral component. The Applicants' tilting of the edges, as opposed to the trochlean trajectory, was discussed, as well, to distinguish the Applicants' claimed device from the Hollister patent. A hypothetical claim describing the tilt of the edges relative to the trochlean part without the extensive geometric language used in existing claim 1 was discussed, but no agreement was reached as to its allowability. Finally, the Examiner's confusion as to which line of contact was being referred to was discussed. The Applicants' attorney indicated that it was believed that the line of contact corresponded to the line during articulation. The undersigned attorney contacted the Applicants for clarification and has learned that the reference line (22) was not defined in reference to contact with the femur or the tibial component, but simply is the line created by contacting the condyle (2) with a horizontal plane and thus is made without

reference to the tibial component. To clarify this language within the claim without changing its substance, the Applicants have amended the claim to describe the reference line as being defined by contacting of the condyle with a horizontal plane. For purposes of comparison, the line TE in Hollister appears to correspond to the horizontal reference line 22, described by the Applicants. The Applicants believe that the rewording of this language should clarify the distinctions between the Applicants' device and the Hollister patent and otherwise places the claim in condition for allowance or better condition for appeal, as will be described below.

It appears that, based on the original claim language, the Examiner read the non-zero "tilt angle," described in claim 1, as referring to the trochlean trajectory. The "tilt angle," however, refers to the edges of the internal cage formed on the posterior of the femoral component. In particular, claim 1 states that the edges of the femoral component have a tilt angle α , when projected orthogonally in the medial lateral plane. This orthogonal projection of the edges is represented by line 23 in Figures 4 and 5. While the edges are tilted, the trochlean trajectory is perpendicular to the same reference line. In contrast, in Hollister, the trochlean trajectory is not perpendicular but tilted at an angle β without any relative tilting of its edges. As previously discussed, by tilting the edges and maintaining a perpendicular trochlean trajectory, the Applicants' component is able to balance the forces on the ligaments.

Since Hollister does not show a perpendicular trochlean trajectory and edges having an orthogonal projection tilted at an angle, both relative to the same reference line, the Applicants believe that claim 1 is not anticipated and requests reconsideration of the rejection of claims 1-3 and 5-14.

The Applicants acknowledge the Examiner's indication that the objections to the specification and drawings have been overcome by the previous Amendment. Since

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there does not appear to be any further issues, the Applicants believe that the application is in condition for allowance and respectfully requests notice of the same. If, however, the Examiner believes that there are further issues, the Applicants would appreciate a telephone call to the undersigned attorney at 330.761.6669.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannon V. McCue', is written over the typed name.

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